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Drawing Amendments

There are no amendments to the drawings.

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Remarks

The Final Office Action of 06/22/2009 rejected claims 6, 8-10, 21, and 23-25, as being unpatentable under 35 U.S.C. §103 (a) over U.S. Patent No. 5,450,481 of A.A. Penzias (hereafter referred to as Penzias) in view of U.S. Patent Application Publication No. 2002/0091517 of J. Frank, et al. (hereafter referred to as Frank) further in view of U.S. Patent No. 6,853,716 of S. Shaffer, et al. (hereafter referred to as Shaffer). Also, the Office Action rejected claims 21 and 23-25 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In addition, the Office Action rejected claims 6, 11, and 21 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 6, 11, 21 and 25 are being amended. No claims are canceled.

Rejection of claims 21 and 23-25 under 35 U.S.C. §101

Claim 21 has been amended as suggested by the Office Action to overcome this rejection. Since the "computer medium" is defined in accordance with 35 U.S.C. §101 and claims 23-25 are directly dependent on claim 21, these dependent claims now also meet the requirements of 35 U.S.C. §101. Note, that claim 25 has been amended to make it consistent with claims 22 and 23.

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Rejection of claims 6, 11, and 21, under 35 U.S.C. §112, first paragraph

The Office Action stated that the added phrase "by transmission of a message which contains no audio information from the active participant" was not supported by the specification. Amended claims 6, 11, and 21 no longer recite this phrase. Applicants respectfully submit that these amended claims meet the requirements of 35 U.S.C. §112, first paragraph.

Rejection of claims 6, 8-10, 21, and 23-25 under 35 U.S.C. §103 (a)

This rejection is respectfully traversed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. The Applicants respectfully assert that the third criteria also has not been meant since the combination of Penzias, Frank, and Shaffer fails to teach or suggest each limitation of the Applicants' claimed invention.

The amendments to amended claim 6 are supported in the specification by Figure 6 and corresponding text on Page 11, line 28 through Page 12, line 4; Figure 7 and corresponding

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text on Page 13, lines 3-11; and Figure 8 and corresponding text on Page 14, lines 14-20. Amended claim 6 recites:

A method for performing participant identification in a conference of a plurality of participants, comprising the steps of:
 performing a simple speech algorithm to detect a change in an active participant among a set of the plurality of participants using an endpoint telecommunication unit by the endpoint telecommunication unit whereby the speech algorithm only determines the change in the active participant and not the identity of the active participant;
 signaling the detected change to a system controller that is providing overall control of a telecommunication switching system which comprises the endpoint telecommunication unit and a conference unit by the endpoint telecommunication unit by transmission of a message whereby the conference unit is combining audio information from the plurality of participants;
 transmitting another message by the system controller to the conference unit by the system controller to inform the conference unit of the detected change; and
 determining in response to the other message the identity of a new active participant of the set of the plurality of participants by the conference unit performing voice recognition to identify the new active participant in response to the signaled change whereby the conference unit processes speech information from only the endpoint telecommunication unit.

Claim 6 recites that an endpoint telecommunication unit which is providing access to a conference for a set of participants to the conference only performs a simple speech algorithm to detect when a new active participant of the set of participants using the endpoint telecommunication unit starts to speak. Claim 6 very clearly recites "the speech algorithm only determines the change in the active participant and not the identity of the active participant". The endpoint telecommunication unit then signals the system controller of the telecommunication system that a new active participant has started to speak on the endpoint telecommunication unit by

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transmission of a message. In response to the message from the endpoint telecommunication unit, the system controller signals the conference unit which performs voice recognition to identify the new active participant. These operations have the advantage that the endpoint telecommunication unit does not have to perform voice recognition which in the case of an IP telephone could exceed the processing capabilities of the IP telephone. In addition, since the conference unit only has to perform voice recognition to identify a new active participant when a message is received from the system controller, this greatly reduces the processing requirements of the conference unit. Without such a message, the conference unit would constantly have to perform voice recognition on all voice information being received from endpoints of the conference to determine if a new participant was speaking. In a large conference, this requirement would place an enormous processing load on the conference unit.

The Office Action states that Penzias discloses "signaling the detected change to a conference unit by the endpoint telecommunication unit by transmission of a message which contains no audio information from the active participant (conference tracker, Fig. 1 28, column 3 lines 25-40; lines 22-54); and determining the identity of a new active participant of the set of the plurality of participants (column 6 lines 1-46)". Applicants respectfully disagree with this analysis of Penzias. It is the conference tracker 28 that is determining the identity of

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the participant not the endpoint telecommunication unit (telephone 30 and handset 32). (See Column 3, lines 19-32.) Once a conference tracker 28 has determined the identity of a participant, it then transmits this information to the other conference trackers (also referred to as conference tracker 28) on the conference call. Penzias does not disclose or suggest that a conference unit is receiving information from a conference tracker 28 to determine the identity of a new participant on the conference call.

In addition, amended claim 6 now recites that the endpoint telecommunication unit signals the detected change to a system controller which is providing overall control of the telecommunication switching system, and it is the system controller that then sends a message to the conference unit causing it to identify the new participant. Penzias does not disclose the operation of the system controller that is providing overall control of the telecommunication system to which telephone set 30 and handset 32 are connected but is clear that no signal is sent to such a system controller by conference tracker 28.

The Office Action only relies on Frank to disclose that the speaker recognition of Penzias could utilize a simple speech algorithm to detect a change in the speaker.

With respect to Shaffer, the Office Action states that Shaffer discloses "a method for the purpose of identifying a participant during a conference call wherein a conference unit

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performs voice/speaker recognition to identify the new active participant whereby the conference unit processes speech information from only the input unit (column 4 lines 6-26; column 5 lines 12-61)." The Office Action is correct; however, Shaffer does not disclose or suggest a conference unit that is responsive to a message from a system controller to perform voice recognition to identify a new active participant which is clearly recited in amended claim 6.

Applicants respectfully submit that the third of the criteria has not been met.

Consider whether the second of the criteria is meant requiring that there must be a reasonable expectation of success. Since Shaffer discloses performing continuous participant identification on incoming audio information to identify a change in the active participant and Penzias does not signal a change in the active participant to a system controller which in turn transmits a message to a conference circuit, these two references cannot be combined to produce a system that performs the steps recited in claim 6 in the manner stated in the Office Action.

Consider whether the first of the criteria is meant requiring that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Because of the basic incompatibility of Shaffer and Penzias, one skilled in

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the art would not find a suggestion or motivation to combine these two references together.

In view of the foregoing, applicants respectfully submit that amended claim 6 is patentable under 35 U.S.C. §103 (a) over Penzias, Frank, and Shaffer.

Dependent claims 8-10 are directly or indirectly dependent on independent amended claim 6 and are patentable for at least the same reasons as amended claim 6.

Further, applicants also respectfully submit that amended claim 21 and claims 23-25 are also patentable under 35 U.S.C. §103 (a) for the same reasons as claims 6-10.

Rejection of claims 11,13, and 14 under 35 U.S.C. §103 (a) over Penzias in view of Frank, and further in view of Shaffer

Amended claim 11 recites the following:

a conference unit which is combining the audio information from the plurality of participants of the conference;

a system controller that is providing overall control of a telecommunication switching system which comprises the conference unit and a plurality of endpoint telecommunication units;

system controller establishing the conference for a set of participants using a plurality of endpoint telecommunication units;

one of the plurality of endpoint telecommunication units providing service for a subset of the set of the plurality of participants, performing a simple speech algorithm to detect a change in a new active participant of the subset of the set of the plurality of participants whereby the speech algorithm only determines the change in the active participant and not the identity of the active participant and signaling the change to the system controller by transmission of a message;

system controller responsive to the signaled change to request the conference unit identify the new active participant of the subset of the set of the plurality of participants; and

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the conference unit identifying the new active participant by performing voice recognition to identify the new active participant and signaling the identity to the system controller.

In subsection 5, Page 7, the Office Action equates conference tracker 28 with a conference unit, a plurality of endpoint telecommunication units, and a system controller (Figure 2 of which the digital signal processor and control interface are part defines conference tracker 28 in greater detail). Amended claim 11 clearly recites the conference unit, the plurality of endpoints telecommunication units, and the system controller as distinct and separate units. Further, first, conference tracker 28 is clearly not a conference unit which is combining audio information from the plurality of participants in the conference since there is no disclosure or suggestion in Penzias that tracker 28 is combining audio information from a plurality of participants. Second, conference tracker 28 is not a system controller that is controlling a telecommunication switching system that comprises a conference unit and a plurality of endpoint telecommunication units since there is no disclosure or suggestion in Penzias that the conference tracker 28 is controlling a telecommunication switching system. Third, telephone set 30, handset 32, and conference tracker 28 could be considered to be a endpoint telecommunication unit. However, if the conference tracker 28 is part of a endpoint telecommunication unit, it can not be also a conference unit and a system controller which is controlling a telecommunication switching system.

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There is no disclosure or suggestion that the conference tracker 28 signals a change in the active participant to a conference unit as is clearly recited in amended claim 11. Nor, is there any disclosure or suggestion that the conference tracker 28 is operating as a system controller controlling a telecommunication switching system that is responsible to a signal of a new active participant to control a conference unit to identify the new participant.

Frank does not disclose or suggest these missing elements since Frank was only cited as disclosing the use of a simple speech algorithm to determine a change in an active participant.

Shaffer does disclose a conference unit that does perform voice/speaker recognition to identify a new active participant but does not disclose or suggest performing this operation in response to a message from a system controller.

In view of the foregoing, applicants respectfully submit that amended claim 11 is patentable under 35 U.S.C. §103 (a) over Penzias in view of Frank and further in view of Shaffer.

Further, applicants respectfully submit that dependent claims 13 and 14 which are indirectly or directly dependent on amended claim 11 are patentable for at least the same reasons as amended claim 11.

Summary

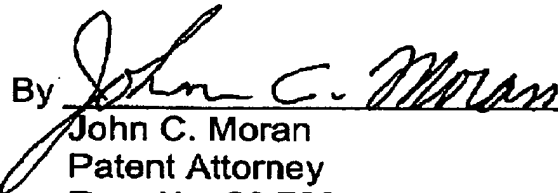
In view of the foregoing, applicants respectfully request consideration of amended claims 6, 11, and 21,

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reconsideration of the remaining claims in the application, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully,
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